

2013 DRAFTING REQUEST

Bill

Received: **1/31/2013** Received By: **agary**
Wanted: **As time permits** Same as LRB:
For: **Jeff Stone (608) 266-8590** By/Representing: **Justin**
May Contact: Drafter: **agary**
Subject: **Beverages** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Stone@legis.wisconsin.gov**
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Possession and consumption of alcohol beverages by passengers on commercially operated
quadricycles

Instructions:

Wants redraft of 2011 AB-120, as a /P draft

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 2/1/2013	jdyer 2/2/2013	phenry 2/3/2013	_____			
/P1	agary 2/18/2013			_____	sbasford 2/3/2013		
/P2	agary 3/1/2013	jdyer 2/20/2013	jmurphy 2/21/2013	_____	lparisi 2/21/2013		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	agary 4/3/2013	jdye 3/4/2013	rschluet 3/4/2013	_____	mbarman 3/4/2013		
/2		jdye 4/4/2013	rschluet 4/4/2013	_____	sbasford 4/4/2013	mbarman 4/4/2013	

FE Sent For:

Not
needed

<END>

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/P1	agary 2/18/2013			_____	sbasford 2/3/2013		
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/P1	agary 2/18/2013	<i>2 4/4 jw</i>		_____	sbasford 2/3/2013		
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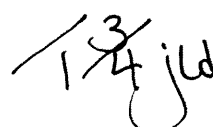
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3/9/13

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/P1		P2 2/19 JLD	Jon 2/20	_____	sbasford 2/3/2013		
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/?	agary	<i>PI</i>	<i>2/2 jld</i>	<i>2/3 ph</i>	<i>X</i>		

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

3 4
3
in 2/1
soon
LRB-44014
ARGCjsrs
-1455/P
De Jld
RMNR
PWF ✓
PWF

2011 **ASSEMBLY BILL 120**

May 5, 2011 - Introduced by Representatives D. CULLEN and ZIEGELBAUER, cosponsored by Senator TAYLOR. Referred to Committee on Transportation.

4 Gen

1 AN ACT *to amend* 125.09 (1) and 346.95 (1); and *to create* 125.02 (4m), 125.10
2 (5), 340.01 (8m), 346.94 (23) and 349.18 (1) (d) of the statutes; **relating to:** the
3 possession and consumption of alcohol beverages by drivers and passengers on
4 commercial quadricycles, municipal authority to regulate the operation of
5 commercial quadricycles, and providing a penalty.✓

Analysis by the Legislative Reference Bureau

Under current law, an owner or other person in charge of a public place may not permit the consumption of alcohol beverages at that place unless a retail alcohol beverages license has been issued for the place.✓ There are various exceptions to this prohibition, including for county parks, athletic fields and stadiums, school buildings, and churches. This bill adds an exception for commercial quadricycles, as defined below.✓

Also under current law, municipalities may impose regulations related to alcohol beverages that are not in conflict with state law.✓ This bill specifies that no such regulation may prohibit the possession or consumption of alcohol beverages by passengers on a commercial quadricycle.✓ However, a municipality may, by ordinance, restrict or prohibit the operation of commercial quadricycles on roadways under the municipality's jurisdiction.✓

The bill prohibits the driver of a commercial quadricycle from consuming alcohol while the commercial quadricycle is occupied by passengers and from driving a commercial quadricycle with an alcohol concentration of more than 0.0.✓ A driver

ASSEMBLY BILL 120

that violates either of these prohibitions may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within a year.

The bill defines a “commercial quadricycle” as a vehicle with fully operative pedals for propulsion entirely by human power, that has four wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, and that is used for commercial purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 125.02 (4m) of the statutes is created to read:

2 125.02 (4m) “Commercial quadricycle” has the meaning given in s. 340.01
3 (8m).

4 **SECTION 2.** 125.09 (1) of the statutes is amended to read:

5 125.09 (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place
6 may permit the consumption of alcohol beverages on the premises of the public place,
7 unless the person has an appropriate retail license or permit. This subsection does
8 not apply to municipalities, buildings and parks owned by counties, regularly
9 established athletic fields and stadiums, commercial quadricycles, school buildings,
10 campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event
11 sponsored by the private college is being held, churches, premises in a state fair park
12 or clubs.

13 **SECTION 3.** 125.10 (5) of the statutes is created to read:

14 125.10 (5) REGULATION OF ALCOHOL BEVERAGES ON COMMERCIAL QUADRICYCLES.
15 Notwithstanding sub. (1), no municipality may enact regulations prohibiting the
16 possession or consumption of alcohol beverages by passengers on a commercial
17 quadricycle. This subsection does not prohibit a municipality from enacting

ASSEMBLY BILL 120

1 regulations under s. 349.18 (1) (d) [✓] restricting or prohibiting the operation of
2 commercial quadricycles. [✓]

3 **SECTION 4.** 340.01 (8m) [✓] of the statutes is created to read:

4 340.01 **(8m)** "Commercial quadricycle" [✓] means a vehicle with fully operative
5 pedals for propulsion entirely by human power, that has 4 wheels [✓] and is operated in
6 a manner similar to a bicycle, that is equipped with at least 12 [✓] seats for passengers,
7 that is designed to be occupied by a driver and by passengers providing pedal power
8 to the drive train of the vehicle, and that is used for commercial purposes. [✓]

9 **SECTION 5.** 346.94 (23) [✓] of the statutes is created to read:

10 346.94 **(23)** COMMERCIAL QUADRICYCLE DRIVERS. [✓] (a) No driver of a commercial
11 quadricycle may consume alcohol while the commercial quadricycle is occupied by
12 passengers. [✓]

13 (b) No person may drive a commercial quadricycle while the person has an
14 alcohol concentration of more than 0.0. [✓]

15 **SECTION 6.** 346.95 (1) [✓] of the statutes is amended to read:

16 346.95 **(1)** Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92
17 or 346.94 (1), (9), (10), (11), (12) ~~or~~ (15), [✓] or (23) ^{or (4) ← plain} may be required to forfeit not less than
18 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
19 for the 2nd or subsequent conviction within a year.

20 **SECTION 7.** 349.18 (1) (d) [✓] of the statutes is created to read:

21 349.18 **(1)** (d) Restrict or prohibit the operation of commercial quadricycles on
22 any roadway under the jurisdiction of the city, village, or town. [✓]

23 **SECTION 8. Effective date.**

1 (1) This act takes effect on the first day of the 4th month beginning after
2 publication.

3 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE

scm

in 2/18



LRB-1455/11 PZ
ARG:jld:ph

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

changes per 2/13 mtg w/ Justin & Rep. Stone
ARG

D-Note

4

Regen

- 1 AN ACT *to amend* 125.09 (1) and 346.95 (1); and *to create* 125.02 (4m), 125.10
- 2 (5), 340.01 (8m), 346.94 (23) and 349.18 (1) (d) of the statutes; **relating to:** the
- 3 possession and consumption of alcohol beverages by drivers and passengers on
- 4 commercial quadricycles, municipal authority to regulate the operation of
- 5 commercial quadricycles, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, an owner or other person in charge of a public place may not permit the consumption of alcohol beverages at that place unless a retail alcohol beverages license has been issued for the place. There are various exceptions to this prohibition, including for county parks, athletic fields and stadiums, school buildings, and churches. ~~This bill adds an exception for commercial quadricycles, as defined below.~~

~~Also under current law, municipalities may impose regulations related to alcohol beverages that are not in conflict with state law. This bill specifies that no such regulation may prohibit the possession or consumption of alcohol beverages by passengers on a commercial quadricycle. However, a municipality may, by ordinance, restrict or prohibit the operation of commercial quadricycles on roadways under the municipality's jurisdiction.~~

~~The bill prohibits the driver of a commercial quadricycle from consuming alcohol while the commercial quadricycle is occupied by passengers and from driving a commercial quadricycle with an alcohol concentration of more than 0.0. A driver~~

insert
ANAL

that violates either of these prohibitions may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within a year.

The bill defines a "commercial quadricycle" as a vehicle with fully operative pedals for propulsion entirely by human power, that has four wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, and that is used for commercial purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.02 (4m) of the statutes is created to read:

125.02 (4m) "Commercial quadricycle" has the meaning given in s. 340.01 (8m).

SECTION 2. 125.09 (1) of the statutes is amended to read:

125.09 (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, commercial quadricycles, school buildings, campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event sponsored by the private college is being held, churches, premises in a state fair park or clubs.

SECTION 3. 125.10 (5) of the statutes is created to read:

125.10 (5) REGULATION OF ALCOHOL BEVERAGES ON COMMERCIAL QUADRICYCLES.

Notwithstanding sub. (1), no municipality may, by ordinance, authorize ~~enact regulations prohibiting~~ the possession or consumption of alcohol beverages by passengers on a commercial quadricycle. ~~This subsection does not prohibit a municipality from enacting~~

1 regulations under s. 349.18 (1) (d) restricting or prohibiting the operation of
2 commercial quadricycles.

3 **SECTION 4.** 340.01 (8m) of the statutes is created to read:

4 340.01 (8m) "Commercial quadricycle" means a vehicle with fully operative
5 pedals for propulsion entirely by human power, that has 4 wheels and is operated in
6 a manner similar to a bicycle, that is equipped with at least 12 seats for passengers,
7 that is designed to be occupied by a driver and by passengers providing pedal power
8 to the drive train of the vehicle, ^eand that is used for commercial purposes. ✓

9 **SECTION 5.** 346.94 (23) of the statutes is created to read:

10 346.94 (23) COMMERCIAL QUADRICYCLE DRIVERS. (a) No driver of a commercial
11 quadricycle may consume alcohol while the commercial quadricycle is occupied by
12 passengers.

✓ 13 (b) No person may drive a commercial quadricycle while the person has an
14 alcohol concentration of more than 0.0.

15 **SECTION 6.** 346.95 (1) of the statutes is amended to read:

16 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2) or (4), 346.90 to
17 346.92 or 346.94 (1), (9), (10), (11), (12) or (15), or (23) may be required to forfeit not
18 less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more
19 than \$100 for the 2nd or subsequent conviction within a year.

20 **SECTION 7.** 349.18 (1) (d) of the statutes is created to read:

21 349.18 (1) (d) Restrict or prohibit the operation of commercial quadricycles on
22 any roadway under the jurisdiction of the city, village, or town.

23 **SECTION 8.** Effective date.

1 (1) This act takes effect on the first day of the 4th month beginning after
2 publication. ✓

3 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1355/P2dn

ARG:.....

date

jld

Please review the attached draft carefully to ensure that it is consistent with your intent. The attached draft incorporates the changes we discussed at our February 13 meeting.✓

container
I note that the draft does not affect municipal authority to, by ordinance, prohibit operation of commercial quadricycles under the theory that the passengers of the commercial quadricycle are violating the municipality's "open container" ordinance. The newspapers have reported that, in the city of Milwaukee, the Milwaukee Police Department cracked down on pedal taverns under the theory that they were violating the city's open container ordinance. The Milwaukee Journal Sentinel reported on * October 5, 2012, that the city attorney "said having intoxicants on the Pedal Tavern violates the law against having open intoxicants on the street." *City Cracks Down on Drinking Aboard Pedal Tavern*, at *

www.jsonline.com/news/milwaukee/pedal-tavern-loses-its-beer-power-fb74d60-172851141.html

As requested, I have added to the definition of "commercial quadricycle" the element that the vehicle, to meet the definition, must be operated by the vehicle owner or his or her employee.✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1455/P2ins
ARG:.....

INSERT ANAL:

This bill allows a municipality, by ordinance, to create an exception authorizing the consumption of alcohol beverages on a commercial quadricycle. A "commercial quadricycle" is defined as a vehicle with fully operative pedals for propulsion entirely by human power, that has four wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle or an employee of the owner.

The bill prohibits the driver of a commercial quadricycle from consuming alcohol while the commercial quadricycle is occupied by passengers and from driving a commercial quadricycle with an alcohol concentration of more than 0.0. A driver that violates either of these prohibitions may be required to forfeit not less than \$200 nor more than \$400 for the first offense and not less than \$500 nor more than \$1,000 for the second or subsequent conviction. Upon a second or subsequent conviction, the court must enter an order permanently prohibiting the person from driving a commercial quadricycle and, if the person violates this order, the person may be required to forfeit not less than \$1,000 nor more than \$2,000.

INSERT 2-9:

NO
A

if authorized by ordinance under s. 125.10 (5)

NO
A

INSERT 3-8:

NO
A

, and that is operated by the vehicle owner or an employee of the owner


NO
A

INSERT 3-14:

(c) Upon conviction of a person for a 2nd or subsequent violation of par. (a) or (b), the court shall enter an order permanently prohibiting the person from driving



a commercial quadricycle. No person may drive a commercial quadricycle in violation of such an order.


SECTION 1. 346.95 (12)^x of the statutes is created to read:

346.95 (12) (a) Any person violating s. 346.94 (23) (a)[✓] or (b)[✓] may be required to forfeit not less than \$200 nor more than \$400 for the first offense and not less than \$500 nor more than \$1,000 for the 2nd or subsequent conviction.[✓]

(b) Any person violating s.[✓] 346.94 (23) (c) may be required to forfeit not less than \$1,000 nor more than \$2,000.[✓]

(end ins 3-14)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1455/P2dn

ARG:jld:jm

February 20, 2013

Please review the attached draft carefully to ensure that it is consistent with your intent. The attached draft incorporates the changes we discussed at our February 13 meeting.

I note that the draft does not affect municipal authority to, by ordinance, prohibit operation of commercial quadricycles under the theory that the passengers of the commercial quadricycle are violating the municipality's "open container" ordinance. The newspapers have reported that, in the city of Milwaukee, the Milwaukee Police Department cracked down on pedal taverns under the theory that they were violating the city's open container ordinance. The Milwaukee Journal Sentinel reported on October 5, 2012, that the city attorney "said having intoxicants on the Pedal Tavern violates the law against having open intoxicants on the street." *City Cracks Down on Drinking Aboard Pedal Tavern*, at

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Phillips, Justin
Sent: Friday, March 01, 2013 2:56 PM
To: Gary, Aaron
Subject: LRB 1455

Aaron-

Can we get an official draft of LRB 1455 (the quadricycles bill)?

Thanks

--

Justin Phillips

Office of Representative Stone

82nd Assembly District

(608) 266-8590



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-145504 /
ARG:jld:jm

wanted
by 3/4
end of day

RMN

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2013 BILL in 3/1

No change

X Regen

- 1 AN ACT *to amend* 125.09 (1) and 346.95 (1); and *to create* 125.02 (4m), 125.10
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This bill allows a municipality, by ordinance, to create an exception authorizing the consumption of alcohol beverages on a commercial quadricycle. A "commercial quadricycle" is defined as a vehicle with fully operative pedals for propulsion entirely by human power, that has four wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle or an employee of the owner.

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10 ordinance under s. 125.10 (5), school buildings, campuses of private colleges, as
11 defined in s. 16.99 (3g), at the place and time an event sponsored by the private
12 college is being held, churches, premises in a state fair park or clubs.

13 **SECTION 3.** 125.10 (5) of the statutes is created to read:

14 125.10 (5) ALCOHOL BEVERAGES ON COMMERCIAL QUADRICYCLES. A municipality
15 may, by ordinance, authorize the consumption of alcohol beverages by passengers on
16 a commercial quadricycle.

17 **SECTION 4.** 340.01 (8m) of the statutes is created to read:

18 340.01 (8m) “Commercial quadricycle” means a vehicle with fully operative
19 pedals for propulsion entirely by human power, that has 4 wheels and is operated in
20 a manner similar to a bicycle, that is equipped with at least 12 seats for passengers,

1 a manner similar to a bicycle, that is equipped with at least 12 seats for passengers,
2 that is designed to be occupied by a driver and by passengers providing pedal power
3 to the drive train of the vehicle, that is used for commercial purposes, and that is
4 operated by the vehicle owner or an employee of the owner.

5 **SECTION 5.** 346.94 (23) of the statutes is created to read:

6 346.94 (23) COMMERCIAL QUADRICYCLE DRIVERS. (a) No driver of a commercial
7 quadricycle may consume alcohol while the commercial quadricycle is occupied by
8 passengers.

9 (b) No person may drive a commercial quadricycle while the person has an
10 alcohol concentration of more than 0.0.

11 (c) Upon conviction of a person for a 2nd or subsequent violation of par. (a) or
12 (b), the court shall enter an order permanently prohibiting the person from driving
13 a commercial quadricycle. No person may drive a commercial quadricycle in
14 violation of such an order.

15 **SECTION 6.** 346.95 (12) of the statutes is created to read:

16 346.95 (12) (a) Any person violating s. 346.94 (23) (a) or (b) may be required
17 to forfeit not less than \$200 nor more than \$400 for the first offense and not less than
18 \$500 nor more than \$1,000 for the 2nd or subsequent conviction.

19 (b) Any person violating s. 346.94 (23) (c) may be required to forfeit not less than
20 \$1,000 nor more than \$2,000.

21 **SECTION 7. Effective date.**

22 (1) This act takes effect on the first day of the 4th month beginning after
23 publication.

24 (END)

Gary, Aaron

From: Phillips, Justin
Sent: Tuesday, April 02, 2013 4:12 PM
To: Gary, Aaron
Subject: RE: LRB 1455

Aaron – Can we make a change to LRB 1455? We'd like to make it so that "above .02 is the prohibited BAC"
Thanks

--
Justin Phillips

Office of Representative Jeff Stone
82nd Assembly District

(608) 266-8590

From: Gary, Aaron
Sent: Monday, March 25, 2013 4:49 PM
To: Phillips, Justin
Subject: RE: LRB 1787 and 1455

Hi Justin,

On LRB-1787, one could argue that the bottom line of this bill is that a person is being punished by the state for being accused of an offense, before the person is actually found guilty. This is because the state is denying a privilege that would otherwise be available to the person if the person hadn't been accused of the offense. If we were talking about a crime, it is clearly unconstitutional to punish a person for a crime based only on an accusation, before the person is actually found guilty by a judge or jury. In this instance, we are not talking about a crime - we are talking about denying a privilege (reinstatement) based on an accusation before any finding of guilt by a court or jury. Under these circumstances, the question of constitutionality is a lot more gray and a good argument can be made in favor of constitutionality. However, it is really not my role to offer advice on constitutionality, but merely to alert you to the fact that a challenge is possible.

On the second question, it is entirely your call on what level of BAC you would like to allow. There are instances in current law where 0.02 is the prohibited BAC. (There are also instances, like with minors and "occupational licenses," where 0.0 is the prohibited BAC.) Do you want me to redraft LRB-1455 to change the BAC to 0.02? I should note that, as a practical matter, law enforcement still needs probable cause to stop a person and check his/her BAC. This will usually arise from erratic driving or the smell of alcohol - it seems unlikely that probable cause factors will be present from taking cold medicine.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Phillips, Justin
Sent: Monday, March 25, 2013 11:26 AM

To: Gary, Aaron

Subject: LRB 1787 and 1455

Aaron –

For LRB 1787, your notes said you hadn't checked the constitutionality of the legislation. Is there a reason to suggest the bill wouldn't be constitutional?

Regarding the question of absolute sobriety, Jeff wondered if there was language that allowed for a person to have a .02 BAC. This would be in reference to a person using cold medicine etc.

Let me know what you find out about these two issues, I'd appreciate it.

Thanks

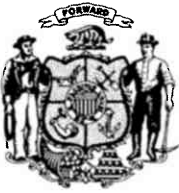
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Justin Phillips

Office of Representative Jeff Stone

82nd Assembly District

(608) 266-8590



State of Wisconsin
2013 - 2014 LEGISLATURE

in
4/3



LRB-1455/4 2
ARG:jld:rs

2013 BILL

waived
by 4/5

RMR

✓

Regen

- 1 AN ACT *to amend* 125.09 (1); and *to create* 125.02 (4m), 125.10 (5), 340.01 (8m),
2 346.94 (23) and 346.95 (12) of the statutes; **relating to:** the consumption of
3 alcohol beverages on commercial quadricycles and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, an owner or other person in charge of a public place may not permit the consumption of alcohol beverages at that place unless a retail alcohol beverages license has been issued for the place. There are various exceptions to this prohibition, including for county parks, athletic fields and stadiums, school buildings, and churches. Also under current law, municipalities may impose regulations related to alcohol beverages that are not in conflict with state law.

✓
This bill allows a municipality, by ordinance, to create an exception authorizing the consumption of alcohol beverages on a commercial quadricycle. A "commercial quadricycle" is defined as a vehicle with fully operative pedals for propulsion entirely by human power, that has four wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner. ✓

✗
The bill prohibits the driver of a commercial quadricycle from consuming alcohol while the commercial quadricycle is occupied by passengers and from driving a commercial quadricycle with an alcohol concentration of more than 0.0. A driver that violates either of these prohibitions may be required to forfeit not less than \$200

0.02 ✓

BILL

nor more than \$400 for the first offense and not less than \$500 nor more than \$1,000 for the second or subsequent conviction. Upon a second or subsequent conviction, the court must enter an order permanently prohibiting the person from driving a commercial quadricycle and, if the person violates this order, the person may be required to forfeit not less than \$1,000 nor more than \$2,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 125.02 (4m) of the statutes is created to read:

2 125.02 (4m) "Commercial quadricycle" has the meaning given in s. 340.01
3 (8m).

4 **SECTION 2.** 125.09 (1) of the statutes is amended to read:

5 125.09 (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place
6 may permit the consumption of alcohol beverages on the premises of the public place,
7 unless the person has an appropriate retail license or permit. This subsection does
8 not apply to municipalities, buildings and parks owned by counties, regularly
9 established athletic fields and stadiums, commercial quadricycles if authorized by
10 ordinance under s. 125.10 (5), school buildings, campuses of private colleges, as
11 defined in s. 16.99 (3g), at the place and time an event sponsored by the private
12 college is being held, churches, premises in a state fair park or clubs.

13 **SECTION 3.** 125.10 (5) of the statutes is created to read:

14 125.10 (5) ALCOHOL BEVERAGES ON COMMERCIAL QUADRICYCLES. A municipality
15 may, by ordinance, authorize the consumption of alcohol beverages by passengers on
16 a commercial quadricycle.

17 **SECTION 4.** 340.01 (8m) of the statutes is created to read:

18 340.01 (8m) "Commercial quadricycle" means a vehicle with fully operative
19 pedals for propulsion entirely by human power, that has 4 wheels and is operated in

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1 a manner similar to a bicycle, that is equipped with at least 12 seats for passengers,
2 that is designed to be occupied by a driver and by passengers providing pedal power
3 to the drive train of the vehicle, that is used for commercial purposes, and that is
4 operated by the vehicle owner or an employee of the owner.

5 **SECTION 5.** 346.94 (23) of the statutes is created to read:

6 346.94 (23) COMMERCIAL QUADRICYCLE DRIVERS. (a) No driver of a commercial
7 quadricycle may consume alcohol while the commercial quadricycle is occupied by
8 passengers.

9 (b) No person may drive a commercial quadricycle while the person has an
10 alcohol concentration of more than ~~0.0~~ 0.02 ✓

11 (c) Upon conviction of a person for a 2nd or subsequent violation of par. (a) or
12 (b), the court shall enter an order permanently prohibiting the person from driving
13 a commercial quadricycle. No person may drive a commercial quadricycle in
14 violation of such an order.

15 **SECTION 6.** 346.95 (12) of the statutes is created to read:

16 346.95 (12) (a) Any person violating s. 346.94 (23) (a) or (b) may be required
17 to forfeit not less than \$200 nor more than \$400 for the first offense and not less than
18 \$500 nor more than \$1,000 for the 2nd or subsequent conviction. ✓

19 (b) Any person violating s. 346.94 (23) (c) may be required to forfeit not less than
20 \$1,000 nor more than \$2,000.

21 **SECTION 7. Effective date.**

22 (1) This act takes effect on the first day of the 4th month beginning after
23 publication.

24 (END)

Barman, Mike

From: Gary, Aaron
Sent: Thursday, April 04, 2013 1:33 PM
To: Phillips, Justin
Cc: Barman, Mike
Subject: LRB-1455
Attachments: 13-1455/2

Justin,

Here is the .pdf.

Mike,

Can you please jacket this for Rep. Stone?

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us